

1 JAY IAN ABOUDI (SBN: 251984)
2 THE LAW OFFICE OF JAY IAN ABOUDI
3 1855 Olympic Blvd., Ste. 210
4 Walnut Creek, CA 94596
5 Telephone: (925) 465-5155
6 Facsimile: (925) 465-5169

FILED BY FAX

ALAMEDA COUNTY

October 18, 2011

CLERK OF
THE SUPERIOR COURT
By Catherine Green, Deputy

CASE NUMBER:
RG08379099

5 Attorney for Defendant
6 OAKLAND PORT SERVICES CORPORATION
7 d/b/a AB TRUCKING (erroneously sued as AB
8 TRUCKING, INC.)

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

10 LAVON GODFREY and GARY GILBERT, on
11 behalf of themselves and all others similarly
12 situated,

12 Plaintiffs,

13 v.

14 OAKLAND PORT SERVICES
15 CORPORATION d/b/a AB TRUCKING, and
16 DOES 1 through 20, inclusive,

16 Defendants.

CASE NO. RG 08-379099

**DECLARATION IN RESPONSE TO
ORDER TO SHOW CAUSE RE:
FAILURE TO APPEAR AND FAILURE
TO PAY COMPLEX CASE FEE**

FILE BY FAX

Date: October 19, 2011
Time: 3:00 PM
Place: Department 20
Judge: Hon. Robert Freedman
Action Filed: March 28, 2008

18 I, JAY IAN ABOUDI, declare:

19 1. I am an attorney at law, licensed by the State of California to practice law and an active
20 member in good standing of the State Bar of California. I have personal knowledge of the fact set
21 forth in this declaration and am competent to testify, and if called as a witness I could and would
22 testify as set forth herein. I am counsel of record for defendant OAKLAND PORT SERVICES
23 CORPORATION d/b/a AB TRUCKING (erroneously sued as AB Trucking, Inc.).

24 2. For reasons unknown to the undersigned, the Notice of Hearing Re: Payment of
25 Complex Fees was sent to my former address. On April 8, 2010, I filed a Notice of Change of
26 Address and Firm Name. Attached hereto as **Exhibit "A"** is a true and correct copy of the
27 Notice of Change of Address.

28 3. On account of Paragraph 2 above, it was not until the morning of September 28, 2011

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that Defendant and the undersigned realized that the complex case fees had not yet been paid.

4. On September 28, 2011 at approximately 12:30 PM, I sent payment with a courier on an expedited basis for payment to be made on that date before 3:00 PM. Attached hereto as **Exhibit "B"** is a true and correct copy of receipt number 480218 issued on September 28, 2011 by the Superior Court.

5. Pursuant to the above, the undersigned respectfully requests that Defendant OAKLAND PORT SERVICES CORPORATION d/b/a AB TRUCKING or any of its attorneys, including the undersigned, be relieved of any and all potential sanctions that are subject of the OSC hearing on October 19, 2011. The undersigned also respectfully requests the Court to excuse the personal attendance of the undersigned at the OSC hearing set for October 19, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 18, 2011



JAY IAN ABOUDI

EXHIBIT "A"

FILED BY FAX

ALAMEDA COUNTY

April 08, 2010

CLERK OF
THE SUPERIOR COURT
By Rosanne Case, Deputy

CASE NUMBER:

RG08379099

1 JAY IAN ABOUDI (SBN: 251984)
 THE LAW OFFICE OF JAY IAN ABOUDI
 2 1855 Olympic Blvd., Ste. 210
 Walnut Creek, CA 94596
 3 Telephone: (925) 465-5155
 Facsimile: (925) 465-5169
 4

5 Attorneys for Defendant
 OAKLAND PORT SERVICES CORPORATION
 6 d/b/a AB TRUCKING (erroneously sued as AB
 TRUCKING, INC.)
 7

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF ALAMEDA

11 LAVON GODFREY and GARY GILBERT, on
 behalf of themselves and all others similarly
 12 situated,

13 Plaintiffs,

14 v.

15 OAKLAND PORT SERVICES
 CORPORATION d/b/a AB TRUCKING, and
 16 DOES 1 through 20, inclusive,

17 Defendants.

CASE NO. RG 08-379099

**NOTICE OF CHANGE OF ADDRESS
AND FIRM NAME**

Dept: Dept. 20, Judge Freedman
 Action Filed: March 28, 2008
 Trial Date: Not yet assigned

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NOTICE OF CHANGE OF ADDRESS AND FIRM NAME

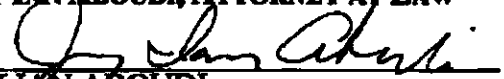
PLEASE TAKE NOTICE that as of April 8, 2010, Jay Ian Aboudi, Esq. has changed its firm name and has moved to the following address:

Jay Ian Aboudi, Esq.
The Law Office of Jay Ian Aboudi
1855 Olympic Blvd., Ste. 210
Walnut Creek, CA 94596
Telephone: (925) 465-5155
Facsimile: (925) 465-5169
E-mail: jay@aboudi-law.com

Please change your records to reflect this change of address and contact information.

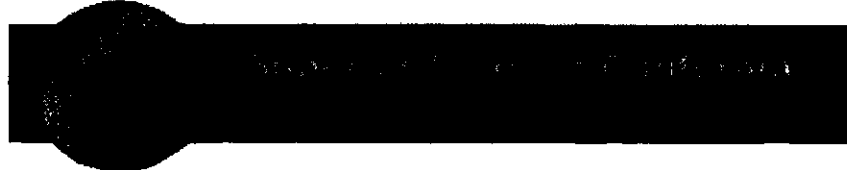
Dated: April 8, 2010

JAY IAN ABOUDI, ATTORNEY AT LAW



JAY IAN ABOUDI
Attorney for Defendant
OAKLAND PORT SERVICES
CORPORATION d/b/a AB TRUCKING

EXHIBIT "B"



Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse
1225 Fallon Street
Oakland, CA 94612

Receipt Nbr: 480218
Clerk: adhir
Date: 09/28/2011

Type	Case Number	Description	Amount
Service	RG08379099	1 Complex Fee - Defendant Party(s)	\$550.00

Total Amount Due: \$550.00
Prior Payment:
Current Payment: \$550.00
Balance Due: \$.00
Overage:
Excess Fee:
Change:

Payment Method:
Cash:
Check: \$550.00

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: 1855 Olympic Blvd., Ste. 210, Walnut Creek, CA 94596. On the date below, I served the within documents:

DECLARATION IN RESPONSE TO ORDER TO SHOW CAUSE RE: FAILURE TO APPEAR AND FAILURE TO PAY COMPLEX CASE FEE

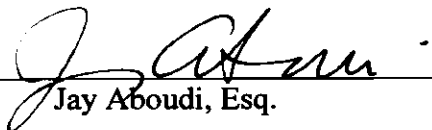
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at Walnut Creek, addressed as set forth below.
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 4:00p.m.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Lisl Duncan, Esq.
Weinberg, Roger & Rosenfeld
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
Fax: (510) 337-1023

John C. Yonemitsu, Esq.
Fletcher C. Alford, Esq.
Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111
Fax: (415) 986-8054

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 18, 2011 at Walnut Creek, California.



Jay Aboudi, Esq.